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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,265

08/18/2003

James Edward Angelo

50103-566

1518

49745 7590 04/18/2007
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EXAMINER

FALASCO, LOUIS V

ART UNIT

PAPER NUMBER

1773

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/642,265

Applicant(s)

ANGELO ET AL.

Examiner

Louis Falasco

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/12/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Papers Received

1. The Election and Remarks filed 3/12/07 are acknowledged.
2. The Amendments, new claims and Remarks filed 12/14/06 are acknowledged.

Claims

3. The claims are: 19 to 25.

Election/Restriction of Invention

4. Applicant's election with traverse of Species A claims 19 to 24 in the reply filed on March 12, 2007 is acknowledged. The traversal is because it would not be a serious burden to consider all Species. This is not found persuasive. The Species have been demonstrated as having divergent classified search placements and consideration, moreover applicants have not admitted the species are obvious variants.

The requirement is still deemed proper and is therefore made FINAL.

5. The claims under consideration are: 1 to 24.

Statutory Basis

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Rejections

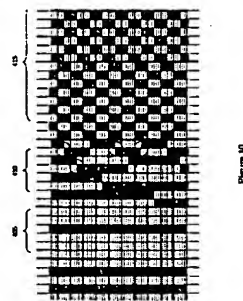
6. Claims 19-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the by either one of **Belser** (US 6643082) or **Kimura et al** (US 6352656).

Belser and **Kimura et al** both teach the stamper of these claims.


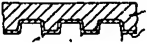
Belser and **Kimura et al** both teach a stamper for embossing a pattern of recesses in recording spaced-apart zones. The stamper has a main body and surface for embossing patterns corresponding to zone rectangular or sinusoidal shapes in



the medium substrate – as seen in **Belser** at Figs. 4-6 items 415/430: or



in **Belser** at Fig. 10 items 405/410/415: expanded on at col. 5 lns 37,38; col. 6 lns 3-16; col. 10 lns 18-53 or see **Kimura et al** Figs. 1D&2D at items

4b,4a:  or Fig. 4D at items 34a,34b: ; col. 1 lns 54,55; col. 2 ln 3; col. 3 ln 22; col. 4 lns 55-63.

a. As regard the metal or alloy of claim 22: see **Belser** col. 10 ln 19 and **Kimura et al** col. 6 ln 4.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over either **Belser** or **Kimura et al** as applied to claims 19-22 above, and further in view of **DePuydt et al** (US 6030556).

Belser and **Kimura et al** both teach the stamper of these claims except the specific metals. However, **DePuydt et al** teaches these metals as conventional metals for recording media formatting stampers - **DePuydt et al** col. 5 lns 19-23, and col. 11 ln 25.

It would have been *prima facie* obvious, to one having ordinary skill in the art, to adopt the metals suggested by **Kanome et al** for a formatting stamper in **Belser** or **Kimura et al** formatting stamper. **DePuydt et al**, similar to **Belser** or **Kimura et al**, is directed to high precision stamper for formatting recording media - see **DePuydt et al** col. 2 lns 40-48.

8. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over either **Belser** or **Kimura et al** as applied to claims 19-22 above, and further in view of **Kanome et al** (US 5320514).

Belser and **Kimura et al** teach the recording media formatting stamper of these claims except specifying the specific metals of these claims. However, **Kanome et al** teaches that the metal composition of these claims to be conventional for high precision stampers (**Kanome et al** col. 9 lns 64-66).

It would have been *prima facie* obvious, to one having ordinary skill in the art, to adopt metals suggested by **Kanome et al** for a formatting recording media in **Belser** or

Kimura et al. Kanome et al, like **Belser** or **Kimura et al**, is directed to high precision recording media stampers - see **Kanome et al** col. 3 lns 1,2 and 51-53 capable of formatting recording media.

Answer to Arguments

Applicant's arguments with respect to the claims under consideration filed 12/14/06 have been fully considered but they are considered moot in view of the new grounds of rejection.

Conclusion

The claims are 22 to 25.

- Restriction has been required, and claim 25 has been withdrawn from consideration.
- No claim has been allowed.

Applicant's amendments, adding a rectangular or sinusoidal pattern, and new claims, 21-25, necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 1773

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

INQUIRES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Falasco, PhD whose telephone number is (571)272-1507. The examiner can normally be reached on M-F 10:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol D. Chaney, PhD can be reached at (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CAROL CHANEY
SUPERVISORY PATENT EXAMINER